

August 27, 2018

Mr. Henry Leskinen  
Eco-Science Professionals Inc.  
P O Box 5006  
Glen Arm MD 21057

Re: Klausmeier Property  
3920 Klausmier Rd. Nottingham MD 21236  
Forest Buffer Variance  
Tracking No. 05-18-2770

Dear Mr. Leskinen:

The Department of Environmental Protection and Sustainability (EPS) has completed a review of the request for a variance from Baltimore County Code Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains submitted for the above referenced property. This request proposes the continued existing use of 6,400 square feet of forest buffer for existing barn and outbuilding areas, maintenance of an existing pond embankment (7,956 square feet) to prevent berm failure, and to allow a 20-foot principal structure setback from the forest buffer for an existing dwelling in lieu of the required 35-foot buffer setback. This request is associated with a proposed 49 lot residential subdivision. The applicant proposes to plant non-forested areas within the required forest buffer to mitigate for the proposed forest buffer impacts. The forest buffers are associated with Use I tributaries to Gunpowder Falls.

This Department has reviewed your request, and has determined that a practical difficulty/unreasonable hardship does exist as complying with the full extent of the law would not allow continued existing use of an existing dwelling, barn, and outbuilding that have existed on the site prior to the forest buffer law. In addition, the pond berm requires routine maintenance to help prevent embankment failure. The potential for impacts to water quality and aquatic resources as a result of this proposal can be minimized by performing mitigative measures. Based on this review, the proposed continued existing uses and the pond berm maintenance in portions of the required forest buffer on this property meet the requirements of Baltimore County Code Section 33-3-106. The approval is subject to the following conditions to minimize water quality impacts:

1. The following notes must appear on all plans submitted for this project:
  - a. "On August 27, 2018, a variance to Baltimore County Code Article 33, Title 3 Protection of Water Quality, Streams, Wetlands and Floodplains was granted by the Baltimore County Department of Environmental Protection and Sustainability to allow continued existing use areas within the required forest buffer and the maintenance of the pond berm indicated on this plan. Conditions were placed on this variance to reduce water quality impacts."

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- b. “Other than the continued use of existing structures and associated areas defined on this plan, all other forest buffer easement covenants, conditions, and restrictions shall be applicable. When the existing uses and maintenance areas on the property that are the subject of this variance cease, the continued existing use and maintenance areas within the forest buffer must be allowed to regenerate to forest, and the covenants, conditions, and restrictions would apply to the entire forest buffer easement.”
2. The mitigation for the continued existing uses and the pond berm maintenance within the required forest buffer shall be the planting of the 7,956 square feet of forest buffer on-site as proposed with additional planting added along the continued existing use limits southwest of the dwelling, and east and south of the barn area. All mitigation shall be outlined in a forest buffer protection plan (FBPP). This plan must include details on the continued existing use areas and the pond berm maintenance area within the required forest buffer as proposed in the variance submittal. The final FBPP must be approved prior to grading permit approval.
3. An Environmental Agreement shall be completed for the required environmental securities. The security for forest buffer mitigation shall be a minimum of \$0.25 per square foot of mitigation area.
4. The required forest buffer easements, forest conservation easements, and forest buffer and forest conservation easements shall be recorded in Baltimore County Land Records along with the appropriate declarations of protective covenants, conditions, and restrictions in the record plat process.
5. The forest buffer easement shall be permanently posted with “Forest Buffer - Do Not Disturb” signs as outlined in the FBPP required for this project.
6. It is recommended that the pond and pond berm be evaluated, as necessary, by a qualified professional so that pond components do not fail and cause environmental damage.
7. This office must review grading and sediment control plans for this project.
8. All conditions of this variance must be completed to the satisfaction of this Department prior to grading permit approval unless otherwise stated above.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout or plan information may require approval of an amended variance request.

Please have the property owner sign the statement at the end of this letter, and return the signed original of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

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If you have any questions regarding this correspondence, please contact Paul Dennis at (410) 887-3980.

Sincerely yours,

David V. Lykens  
Deputy Director

DVL: pad

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I/We agree to the above conditions to bring my/our property into compliance with Baltimore County Code Article 33. Environmental Protection And Sustainability, Title 3. Protection of Water Quality, Streams, Wetlands, and Floodplains:

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Property Owner(s)

Date

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Printed Name(s) of Property Owner(s)